Maine State Government
Dept. of Administrative & Financial Services
Office of Information Technology (OIT)

Off-Hours Coverage Policy

I. Statement

This policy establishes customer expectations and identifies staff compensation for OIT *Off-Hours* coverage.

II. Purpose

The services furnished by OIT are important to the operation of Maine State government. In order to respond to issues, both planned and unplanned, OIT Employees are occasionally called to duty outside of their scheduled work week. This policy defines the default *Off-Hours* support that Agency customers can expect from OIT, as well as the compensation OIT Employees can expect for working outside their scheduled (typically 40-hour) work week.

III. Applicability

This policy applies to all OIT Employees.

IV. Responsibilities

A. Chief Technology Officer: The OIT Chief Technology Officer owns, executes, and enforces this policy.

B. Technology Business Consultant (TBC): Educates the Agencies regarding the default OIT *Off-Hours* support expectations for all services except Agency-specific applications, and, should the Agency expectations vary with that default, holds follow-up funding discussions with the Agency.

C. Application Director: Educates their Agencies regarding the default OIT *Off-Hours* support expectations for Agency-specific applications, and, should the Agency expectations vary with that default, holds follow-up funding discussions with the Agency.

V. Directives

    A. Exempt Personnel:
- Ordinarily, employees in positions that are in classifications above Pay Grade 21, and "exempt" from the premium overtime compensation requirements of the Fair Labor Standards Act (FLSA) and Maine Law are not eligible for overtime compensation based on additional hours worked beyond the standard 40 hours per week.[1]

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[1] http://maine.gov/bhr/rules_policies/memos/2016/hrmem2-16.pdf

B. *Off-Hours* Coverage Expectations:
- The default *Off-Hours* Coverage includes the essential services' uptime & monitoring. Essential services include the Network, Critical Enterprise Servers, Critical Enterprise Applications (such as Email), Basic Cyber Security, and certain pre-defined Agency business applications. This support is already folded into the existing OIT rates. Should an Agency require *Off-Hours* support that extends beyond this default, then separate support and funding arrangements must be made.
- OIT Service Managers shall establish a rotation schedule among staff to satisfy the default *Off-Hours* Coverage. All effort will be made to ensure equitable distribution, factoring in seniority, qualifications, training, and the ability to perform the specific work required.

C. Expectations from *Standby* Personnel:
- A *Standby* Person shall maintain the level of alertness and accountability necessary to allow them to respond to an issue. For instance, alcohol cannot impair their ability to respond. Further, they must respond quickly, be it remotely, or by appearing on-premises within a pre-agreed-upon timeframe.
- The *Standby* person is responsible for monitoring, and responding to, automated alerts, and/or emails, and/or text messages, and/or telephone calls, regarding issues under their designation.
- The *Standby* Person is accountable for ensuring that the issue is addressed, preferably to full resolution, but at least to the restoration of essential services and/or the safety and integrity of the State network.

D. Expectations from *Call-Out* Personnel:
- Depending on the issue at hand, any OIT Employee beyond the designated *Standby* Person may be called OUT in order to assist the *Standby* Person.

E. Compensation:
- Directives regarding compensation may be best summarized by the following chart:

	Standby Compensation	*Overtime* Compensation	*Call-Out* Compensation
Employees eligible for Overtime under *Collective Bargaining Agreement*	Per *Collective Bargaining Agreement* 16% hourly	- Straight time for work up to 40 hours - Time + 1/2 for work over 40 hours (Sick, vacation do not count as time worked)	- *Call-Out* 4 hour minimum *only when physically reporting to work* outside of and not continuous with their regular work hours
Employees FLSA Overtime eligible (ISSS II only)	2 hours for Sat 2 hours for Sun 2 hours for Holiday	- Straight time for work up to 40 hours - Time + 1/2 for work over 40 hours	- Not eligible for Call-Out compensation

	Standby Compensation	*Overtime* Compensation	*Call-Out* Compensation
		(Sick, vacation do not count as time worked)	
Employees not eligible for Overtime	2 hours for Sat 2 hours for Sun 2 hours for Holiday	• Salaried employees are not eligible to be paid for hours worked over 40 • Flexibility of work schedules within the bi-weekly pay period • Director can put employee on Standby status	• Not eligible for Call-Out compensation

F. Compensation for *Standby* Personnel:
- If Overtime-eligible under the *Collective Bargaining Agreement*, then 16% hourly for each *Standby* hour.
- If Overtime-eligible under the Federal Fair Labor Standards Act (ISSS II only), then Two (2) hours of Straight Time Pay for each *Standby* weekend day and holiday, but not weekday.
- If not Overtime-eligible, then Two (2) hours of Straight Time Pay for each *Standby* weekend day and holiday, but not weekday.

G. Compensation for *Overtime-Eligible* Personnel:
- Straight time for hours worked up to 40 hours.
- Time + 1/2 for actual time worked over 40 hours.
- Employees in the Information System Support Specialist II classification (those who are not Overtime-eligible under the *Collective Bargaining Agreement* but are Overtime-eligible under the Fair Labor Standards Act) will receive overtime after 40 hours of work along with *Standby* compensation.
- In lieu of overtime pay, employees may, upon mutual agreement with management, take compensating time at the rate of one and one half (1½) hours of compensating time for each overtime hour worked.
- If not Overtime-eligible, then employees are eligible to flexible schedule within the bi-weekly pay period at the discretion of management.

H. Compensation for *Call-Out* Personnel:
- Under the *Collective Bargaining Agreement,* only Overtime-eligible *employees who physically report to work* may receive *Call-Out* compensation.
- Any Overtime-eligible employee who is Called-Out for work outside of, and not continuous with their regular hours, will be paid a minimum of four (4) hours of the employee's regular rate of pay, or hours actually worked at the appropriate rate, whichever is greater.

VI. **Definitions**

A. *Off-Hours:* Hours beyond the regular scheduled workweek (typically 40 hours), including evenings, nights, early mornings, weekends, and holidays.

B. *Standby*: Notified in advance to expect an alert, and, should it materialize, report to duty as soon as possible. The location of duty could be either remote or on-premises, depending on the nature of the issue.

C. *Call-Out:* Called to report to duty without advance notification. The employee must physically report to work to have been Called-Out under the *Collective Bargaining Agreement.*

VII. **References**

This policy does *NOT* modify any negotiated terms and conditions or Human Resources policies. This policy merely consolidates them into a single succinct document. If there are any inconsistencies between this policy and the documents included in this section (or their descendants), the documents take precedence.

A. [Bargaining Agreement between the State of Maine and the Maine State Employees Association SEIU Local 1989, Professional & Technical Services Bargaining Unit, 2013-2015](#)[2]

B. [Bargaining Agreement between the State of Maine and the Maine State Employees Association SEIU Local 1989, Supervisory Services Bargaining Unit, 2013-2015](#)[3]

VIII. **Document Information**

Initial Issue Date: May 31, 2016

Point of Contact: Henry Quintal, Architecture Policy Administrator, OIT, (207) 624-8836.
Approved By: James R. Smith, Chief Information Officer, OIT, (207) 624-7568.
Enforced by: Greg McNeal, Chief Technology Officer, OIT, (207) 624-7568.

Legal Citation: [Title 5, Chapter 163: Office of Information Technology](#)[4]
Waiver Process: See the [Waiver Policy](#)[5].

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[2] http://www.maine.gov/oer/contracts/msea/P&T%2004-23-2014.pdf
[3] http://www.maine.gov/oer/contracts/msea/SSU%2007-22-2014.pdf
[4] http://legislature.maine.gov/statutes/5/title5ch163sec0.html
[5] http://maine.gov/oit/policies/waiver.htm